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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,275	04/14/2004	Hiromi Murayama	P/1250-277	7952
2352	7590	08/25/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			FUQUA, SHAWNTINA T	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.	Applicant(s)
	10/825,275	MURAYAMA, HIROMI
	Examiner	Art Unit
	Shawntina T. Fuqua	3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 February 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 5-7 and 12-14 is/are allowed.
- 6) Claim(s) 1-4 and 8-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 April 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 8-9, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imahashi (US5414244) in view of Sheets (US4698486) and McGinty (US4540876).

Imahashi discloses a thermal processing apparatus for heating a substrate by irradiating flashlight comprising a plurality of bar lamps (13A), a lamp house (13D) wherein lamps are in parallel in the longitudinal direction extending horizontally, a chamber (11), a transport robot (21) with a retracting arm (column 3, line 66-column 4, line 6), the lamp house is disposed such that a direction of the substrate loading and unloading by transport robot is perpendicular to longitudinal direction (Figure 1). Imahashi does not disclose xenon flash bar lamps and lamps with a length greater than the chamber length. Sheets discloses xenon flash bar lamps (column 11, lines 49-51) and McGinty discloses lamps (7) with a length greater than the chamber length (Figure 1; column 2, lines 33-37, column 3, line 64-column 4, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the lamps of Imahashi with the xenon flash lamps of Sheets and the length of McGinty because, xenon flash lamps allows the substrate to be uniformly heated and lamps longer than the chamber length allow for a more uniform heating.

Imahashi in view of Sheets and McGinty discloses the claimed invention except for a length of lamps is not less than two times the inside dimension of the chamber. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a length of lamps is not less than two times the inside dimension of the chamber, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum workable range involves only routine skill in the art.

3. Claims 3-4, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imahashi in view of Sheets and McGinty as applied to claims 1-2, and 8-9 above, and further in view of Shinriki et al (US6143081).

Imahashi in view of Sheets and McGinty discloses all of the recited subject matter except an indexer and a heating plate. Shinriki et al discloses an indexer (608) and a heating plate (Figures 14, 17, and 18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an indexer and heating plate as taught by Shinriki et al in the apparatus of Imahashi along with the xenon flash lamps of Sheets and lamp length of McGinty because, an indexer allows the substrates to be loaded and unloaded more efficiently and a heating plate allows the substrate to be heated more uniformly.

Allowable Subject Matter

4. Claims 5-7 and 12-14 are allowed.

Response to Arguments

5. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawntina T. Fuqua whose telephone number is (571) 272-4779. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3742

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

stf
August 21, 2005


Shawntina Fuqua
Patent Examiner
Art Unit 3742